

TROOPER MATTHEW WYSOCKY
ANGLEMEYER, ET AL. vs NORTHAMPTON COUNTY

October 01, 2020

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1	IN THE UNITED STATES DISTRICT COURT	1	- - -
2	FOR THE EASTERN DISTRICT OF PENNSYLVANIA	2	I N D E X
3	- - -	3	- - -
4	ADA ANGLEMEYER, et al. : CIVIL ACTION	4	
5	: v. :	5	Testimony of: TROOPER MATTHEW WYSOCKY
6	NORTHAMPTON COUNTY : NO. 19-3714	6	By Mr. Zeiger 6, 67, 70
7	- - -	7	By Mr. Bradford 62, 69
8	October 1, 2020	8	- - -
9	- - -	9	E X H I B I T S
10	Videotape deposition of TROOPER	10	- - -
11	MATTHEW WYSOCKY, taken pursuant to notice, was	11	NO. DESCRIPTION PAGE
12	held at remotely, commencing at 11:15 a.m., on	12	(None)
13	the above date, before Torre Lynn Adams, a Court	13	
14	Reporter and Notary Public in the Commonwealth	14	
15	of Pennsylvania.	15	
16	- - -	16	
17		17	
18		18	
19	ESQUIRE DEPOSITION SOLUTIONS	19	
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1	APPEARANCES:	1	- - -
2		2	DEPOSITION SUPPORT INDEX
3	LEVIN & ZEIGER	3	- - -
4	BY: BRIAN ZEIGER, ESQUIRE	4	
5	Two Penn Center	5	Direction to Witness Not to Answer
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11	Representing the Plaintiffs	11	Page Line Page Line Page Line
12		12	None
13	OFFICE OF ATTORNEY GENERAL	13	
14	BY: KEVIN R. BRADFORD, ESQUIRE	14	
15	21 South 12th Street	15	Stipulations
16	2nd Floor	16	Page Line Page Line Page Line
17	Philadelphia, Pennsylvania 19103	17	None
18	(215) 560-2262	18	
19	Representing the Defendants	19	
20		20	Question Marked
21		21	Page Line Page Line Page Line
22		22	None
23		23	
24		24	

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1 - - -	1 Q. Your name is Wysocky; is that
2 VIDEO TECHNICIAN: Good morning,	2 right?
3 everyone. We are now on the video record. The	3 A. That's correct, yes.
4 time is 11:15 a.m. on October 1st, 2020. This	4 Q. Make sure I'm pronouncing it
5 begins the videotape deposition of Trooper	5 right.
6 Wysocky, correct?	6 Okay. So, do you remember the
7 THE WITNESS: Yes, ma'am.	7 date of February 23, 2018?
8 VIDEO TECHNICIAN: Okay. Great.	8 A. I do vaguely, yes.
9 And we're -- this is taken in the	9 Q. Okay. Were you employed as a
10 matter of Ada Anglemeyer, et al. versus	10 Pennsylvania State Trooper at that time?
11 Northampton County filed in the U.S. District	11 A. Yes. Yes, I was.
12 Court for the Eastern District of Pennsylvania,	12 Q. And at approximately 4:00 a.m.,
13 Case Number of which is 19-3714.	13 did your tour of duty take you to some kind of
14 My name is Summer Menkee. I'm the	14 meeting about something with the CERT team?
15 videographer. We have Torre Lynn Adams as our	15 A. Yes, it did. Yes. It would be --
16 court reporter. And we are both representing	16 it would have been a warrant service on that
17 the Esquire Deposition Solutions.	17 day.
18 And just a courtesy, will everyone	18 Q. Okay. And was the warrant service
19 re -- remember to please mute yourself when	19 eventually conducted at 340 Old Allentown Road,
20 you're not speaking and remember to unmute when	20 Bushkill Township, Northampton County?
21 you're ready to speak.	21 A. Yes, it was.
22 And, Counsel, will you please	22 Q. And at 4:00 a.m., were you briefed
23 state your name and whom you represent, after	23 on that?
24 which the court reporter will swear in the	24 A. Yes. Yes, we attended a
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1 witness.	1 pre-deployment briefing.
2 MR. ZEIGER: Brian Zeiger for the	2 Q. Okay. And do you remember being
3 plaintiffs.	3 part of executing the warrant?
4 MR. BRADFORD: Kevin Bradford for	4 A. Yes, I do.
5 all the current defendants.	5 Q. Okay. So, do you think you did
6 MR. WYSOCKY: Matthew Wysocky for	6 anything wrong that day in your -- in your tour
7 the Pennsylvania State Police CERT team.	7 of duty?
8 MR. ZEIGER: Okay. Good	8 A. Absolutely not.
9 afternoon --	9 Q. Okay. And if there's someone
10 COURT REPORTER: I didn't swear	10 who -- who claims that you injured them, do you
11 him yet. Sorry, sir.	11 accept responsibility for causing that injury?
12 MR. ZEIGER: Sorry.	12 MR. BRADFORD: Objection to form.
13 COURT REPORTER: That's okay.	13 BY MR. ZEIGER:
14 - - -	14 Q. You can answer.
15 TROOPER MATTHEW WYSOCKY, after	15 MR. BRADFORD: You can answer.
16 having been duly sworn, was examined and	16 I'm sorry, I occasionally will
17 testified as follows:	17 object to form, as I just did there, Trooper
18 - - -	18 Wysocky, but unless I instruct you not to
19 EXAMINATION	19 answer, you can go ahead and answer.
20 - - -	20 Normally, I follow that saying you
21 BY MR. ZEIGER:	21 may answer. So, go ahead and attempt to answer.
22 Q. Good morning, Trooper. How are	22 THE WITNESS: I'm sorry. Could
23 you today?	23 you repeat the question again?
24 A. Good. And yourself?	24 BY MR. ZEIGER:



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1 Q. Sure. 2 If someone claims that you injured 3 them on that day, do you accept responsibility 4 for causing that injury? 5 MR. BRADFORD: Objection to form. 6 Actually, I'm telling him not to 7 answer. That's a ridiculous question. We had 8 this conversation before. 9 MR. ZEIGER: Okay. Let me just 10 put on the record that, you know, in any civil 11 matter a defendant who's named in the case can 12 accept responsibility for what they're accused 13 of doing in the lawsuit and make it just about 14 the value of the case or claim that the person's 15 not really injured or something like that or 16 that the case isn't worth much. 17 So, in a car accident case, in a 18 rear-end, someone can come in and say, you 19 know, I did -- I did rear end that person, I did 20 cause that accident. So, all of these questions 21 are going towards liability. That's the 22 intention of the question. 23 And certainly, a defendant can 24 accept responsibility for either an injury or --	Page 9	1 question, but go ahead, Trooper. 2 THE WITNESS: I will not claim 3 responsibility for injuring anything as in this 4 case, I did not act out of the realm of my 5 duties. I didn't act intentionally, recklessly, 6 negligently. 7 BY MR. ZEIGER: 8 Q. Okay. But even within the course 9 of your scope of duties, if you acted within the 10 scope of your employment, if Joe Kluska is 11 accusing you of injuring him, do you accept 12 responsibility for causing that injury? 13 MR. BRADFORD: Same objection. 14 You can -- you can -- 15 THE WITNESS: No. No, I wouldn't 16 accept responsibility. 17 BY MR. ZEIGER: 18 Q. No problem. 19 All right. So, I'm going to move 20 on. 21 Do you remember you filled out 22 some paperwork in this case? 23 A. I do -- what type of paperwork 24 would it be?	Page 11
1 or causation or something related to -- for 2 which they're sued for. 3 This is a named defendant in the 4 case under 1983 for excessive force and he 5 should answer. 6 MR. BRADFORD: Well, Brian, you're 7 asking him for a legal conclusion. You can 8 certainly ask him for what he did and who he did 9 it -- who he interacted with, but then you're 10 giving him this hypotheticals that he doesn't 11 know, that someone was injured and they say it 12 happened that day. And if he tells me that he 13 did it, do you accept responsibility, that's -- 14 that's -- that's not a fair question. It's not 15 a proper question for purposes of a deposition. 16 We're here to get facts. 17 MR. ZEIGER: Okay. 18 BY MR. ZEIGER: 19 Q. One of the named plaintiffs, Jim 20 Kluska, claims that you injured his shoulder. 21 Do you accept responsibility for that? 22 MR. BRADFORD: Same objection. 23 You -- you can -- you can attempt 24 to answer that. I think it's an improper	Page 10	1 Q. A callout report. 2 A. Yes. Yes, I completed a callout 3 report. 4 Q. Okay. I'm going to show you the 5 callout report now. Just bear with me while I 6 try to do this. Okay? 7 A. Okay. 8 Q. Can you see that on your screen, 9 Trooper? 10 A. Yes. 11 Q. Do you see a sticker on the bottom 12 right side of your screen that says Wysocky-1? 13 A. Yes, I do. 14 Q. Okay. I'm going to scroll up to 15 the top. Okay? 16 A. Okay. 17 Q. Can you tell me what this document 18 is, if you know? 19 A. This is a Pennsylvania State 20 Police Special Emergency Response Team callout 21 report that we complete at the end of each 22 warrant service or any activation that we -- we 23 go to. 24 Q. Okay. And is this yours from the	Page 12

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<p style="text-align: right;">Page 13</p> <p>1 incident report we're here today to talk about?</p> <p>2 A. Yes, it is.</p> <p>3 Q. Okay. I'm going to start at the</p> <p>4 top and sort of make my way down. Okay?</p> <p>5 A. Sure.</p> <p>6 Q. If at any time you need me to</p> <p>7 enlarge anything or stop, just interrupt me and</p> <p>8 I'm happy to do that. Okay?</p> <p>9 A. Yes, sir.</p> <p>10 Q. So, it says here date of</p> <p>11 activation is 2-23-18. That means that that's</p> <p>12 the date that you were alerted that you were</p> <p>13 going to be on a CERT team job; is that right?</p> <p>14 A. That's correct, sir.</p> <p>15 Q. And 2-28-18, that means that's the</p> <p>16 date of the actual report -- I'm sorry. Let's</p> <p>17 back up.</p> <p>18 Date of activation of 2-23-18 is</p> <p>19 the day that you guys executed the warrant,</p> <p>20 correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. And 2-28-18 is the day that</p> <p>23 you sat down and actually typed this document,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. And that includes a garage and a</p> <p>2 house, correct?</p> <p>3 A. Yes, I would assume so. I was not</p> <p>4 assigned to those specific buildings, but from</p> <p>5 my recollection, yes, it did include that.</p> <p>6 Q. Where were you assigned?</p> <p>7 A. I was assigned to the main</p> <p>8 structure.</p> <p>9 Q. Okay. And now, it says Date and</p> <p>10 Time of Notification, 2-21-18, 1945. That means</p> <p>11 that's when you were told you were going to have</p> <p>12 a job on the CERT team, right?</p> <p>13 A. Yes.</p> <p>14 Q. And then when it says date and</p> <p>15 time of arrival, it says Date of Arrival, it</p> <p>16 says 2-23-18, 400 hours, that means you were</p> <p>17 briefed for what was going to happen for the</p> <p>18 warrant job at 4:00 in the morning on</p> <p>19 February 23, 2018, right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And then it says overtime hours</p> <p>22 used 6.5. That means that you did this as all</p> <p>23 overtime, right?</p> <p>24 A. I would not say it was all</p>
<p style="text-align: right;">Page 14</p> <p>1 A. That's correct, sir.</p> <p>2 Q. Okay. And then under name it says</p> <p>3 Trooper Matthew Wysocky, that's you, right?</p> <p>4 A. Yes, it is.</p> <p>5 Q. And then it says Warrant Service.</p> <p>6 That means that you're going to go and execute a</p> <p>7 warrant somewhere. Right?</p> <p>8 A. That's correct. Yes, sir.</p> <p>9 Q. And then it says 340 Old Allentown</p> <p>10 Road, Bushkill Township, Northampton County,</p> <p>11 Pennsylvania. Doesn't say Pennsylvania, but</p> <p>12 that means that's the place where the warrant</p> <p>13 was to be executed, correct?</p> <p>14 A. That's correct, sir.</p> <p>15 Q. And that's a large parcel of land,</p> <p>16 it's not just a -- one individual building,</p> <p>17 right?</p> <p>18 A. According to the brief, yes,</p> <p>19 that's correct, it was a large parcel with</p> <p>20 multiple structures.</p> <p>21 Q. And when you got there, was that</p> <p>22 briefing true, it was a large parcel of land</p> <p>23 with multiple structures?</p> <p>24 A. Yes, it was.</p>	<p style="text-align: right;">Page 16</p> <p>1 overtime. I -- I may have been working a -- I</p> <p>2 may have been working normal -- yes, yes. I was</p> <p>3 not working that day, I would assume. I assume</p> <p>4 that would be correct, yes.</p> <p>5 Q. Right, because next to it on the</p> <p>6 left, it says straight time hours used, zero.</p> <p>7 A. Yes, sir.</p> <p>8 Q. So, that means you were not on</p> <p>9 duty that day, right?</p> <p>10 A. Correct.</p> <p>11 Q. So -- so, overtime hours used,</p> <p>12 6.5, that means you got paid in addition to your</p> <p>13 normal salary for executing this warrant,</p> <p>14 correct?</p> <p>15 A. That's correct, yes.</p> <p>16 Q. Okay. I'm going to go down a</p> <p>17 little bit here. I'm going to scroll a little</p> <p>18 bit so I can see it a little better.</p> <p>19 "For this particular activation, I</p> <p>20 did not notify a shift supervisor as a result of</p> <p>21 this warrant service occurring during my</p> <p>22 regularly scheduled days off."</p> <p>23 So, that's the same thing you just</p> <p>24 testified to up top.</p>

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<p>1 "And there were no notifications 2 made to my schedule."</p> <p>3 So, you agree with both of those 4 statements, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. "On the above date and time, I 7 attended the pre-deployment briefing for this 8 warrant service at PSP Belfast."</p> <p>9 So, that means at 4:00 a.m. you 10 were in a room with some kind of supervisor and 11 they -- they discussed this matter and told you 12 what was going to happen that day, right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And next sentence says "I was 15 assigned to east utility van with Corporal John 16 Chulock as the team leader."</p> <p>17 What does that mean?</p> <p>18 A. That means that that's the vehicle 19 that I was specifically assigned to for this 20 activation, went with a team of guys, and John 21 Chulock would have been the corporal in charge 22 of that van or -- in this particular instance, 23 he would have been in charge of that particular 24 van. So, he would have been front seat</p>	<p>1 A. Yes, sir.</p> <p>2 Q. And the next line says "I was 3 armed with my Glock 21 pistol, a Halligan bar 4 and a 16-pound sledgehammer."</p> <p>5 Is that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. So, the Glock pistol, 8 that's just your -- your service weapon, right?</p> <p>9 A. Yes, sir, my issued -- yes, my 10 issued standard.</p> <p>11 Q. And Halligan bar, what's that?</p> <p>12 A. Halligan bar is a -- it's an iron 13 tool used to -- to assist with forcible entry if 14 needed. If there would be a -- sort of a locked 15 door or something along the lines of that, we 16 would use that to assist with opening the door.</p> <p>17 Q. Is that what non-police officers 18 call a crowbar?</p> <p>19 A. It's a form of a crowbar, yes.</p> <p>20 Q. About how long is it?</p> <p>21 A. 30 inches.</p> <p>22 Q. About how much does it weigh?</p> <p>23 A. Seven pounds, five pounds.</p> <p>24 Q. Okay. And next says "And a</p>
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<p>1 passenger ultimately.</p> <p>2 Q. "Additionally, I was assigned the 3 duties of assistant breacher and one side 4 clearing." What does that mean?</p> <p>5 A. That was my duties. So, that was 6 my specific assignment. I was assigned to the 7 van for -- I was assigned to the van, and then 8 more specifically, I was assigned as an 9 assistant breacher, that would have been to 10 assist the primary breacher, which in this case 11 would have been Trooper Peter Del Gaizo. And 12 then upon breach, we would assist with -- with 13 clearing of the residence.</p> <p>14 Q. So, some other -- something called 15 a ram? Are you familiar with that tool?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you have a ram that day?</p> <p>18 A. I did not. I had a -- I had other 19 tools.</p> <p>20 Q. Okay. So, the next sentence says 21 "Trooper Peter Del Gaizo was the primary 22 breacher."</p> <p>23 That's consistent with what you 24 already testified to, correct?</p>	<p>1 16-pound sledgehammer."</p> <p>2 So, that's just a sledgehammer 3 that -- that any non-police officer would just 4 call a sledgehammer, it's the same item?</p> <p>5 A. Fair to say, yes.</p> <p>6 Q. Okay. "And after the briefing, 7 several rehearsals were conducted in the parking 8 lot of PSP Belfast."</p> <p>9 Can you explain what that means?</p> <p>10 A. Prior to deployment, what we do 11 with that, with warrant services we run dry runs 12 and rehearsals to make sure that -- that -- that 13 everyone is where they need to be, and to make 14 sure we have down our routine that could 15 possibly occur upon execution of the warrant 16 service.</p> <p>17 Q. Okay. What did you, personally, 18 rehearse?</p> <p>19 A. I, personally, rehearsed assisting 20 Trooper Peter Del Gaizo in opening the door, a 21 couple different scenarios simulating that 22 there's a storm door, simulating that it's 23 locked, simulating that the door is open, 24 running through multiple scenarios.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. And did you see someone 2 there named Painter?</p> <p>3 A. I believe -- I believe he was 4 there, yes.</p> <p>5 Q. So, you know someone named 6 Painter?</p> <p>7 A. I do -- his first name, could you 8 say his first name from me?</p> <p>9 Q. If only I could remember his first 10 name, I would say it to you.</p> <p>11 MR. BRADFORD: Clinton.</p> <p>12 THE WITNESS: Clinton Painter?</p> <p>13 MR. ZEIGER: Thank you.</p> <p>14 BY MR. ZEIGER:</p> <p>15 Q. Is he a Trooper?</p> <p>16 A. He is a trooper -- he's either a 17 trooper or a corporal of the State Police, I'm 18 not sure.</p> <p>19 Q. He worked as a law enforcement 20 officer for the Pennsylvania State Police, 21 correct?</p> <p>22 A. That's correct, yes.</p> <p>23 Q. So, did you see him rehearse 24 anything in the parking lot?</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. "I opened the front storm door and 2 determined that the one side main door was 3 locked and secured."</p> <p>4 So, you were holding open the 5 storm door at that point?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. "At that time, Trooper Del 8 Gaizo and I utilized the ram tool and impacted 9 the one side main door in the area of the knob 10 and dead bolt locking mechanism, which resulted 11 in a successful breach."</p> <p>12 So, that means that Del Gaizo had 13 the -- the ram or you both had the ram?</p> <p>14 A. We would both have the ram at that 15 time. We would use the two-man breaching method 16 to impact the door.</p> <p>17 Q. And then so, that means that you 18 take this ram, you sort of swing it backwards 19 and then the two of you push it forward with all 20 your might, and the physics of that move is 21 supposed to pop the door open?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. Okay. If Del Gaizo said that he 24 did it himself and you were holding the door for</p>
<p style="text-align: right;">Page 22</p> <p>1 A. I did not.</p> <p>2 Q. Okay. Was he there?</p> <p>3 A. He was there, yes.</p> <p>4 Q. Do you remember what his job 5 assignment was that day?</p> <p>6 A. I do not.</p> <p>7 Q. Do you remember seeing him in the 8 house?</p> <p>9 A. No, I do not.</p> <p>10 Q. Do you remember seeing him push an 11 old lady into a wall with a shield?</p> <p>12 A. No.</p> <p>13 Q. Did you ever see an ambulance come 14 to the location of the house?</p> <p>15 A. No, I don't recall an ambulance 16 showing up to the house.</p> <p>17 Q. Okay. I'm going to move on to the 18 document on your screen.</p> <p>19 "Upon arriving at the subject 20 residence, the team deployed from the vehicles 21 and advanced to the front porch of the 22 structure."</p> <p>23 Is that all correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 him, that would be a mistake?</p> <p>2 I mean, the screen door?</p> <p>3 A. The screen door? I might have 4 handed the scene door off to him depending on 5 how it opened. If it would have opened a 6 specific way, he would have stepped into the 7 screen door and I would have left the screen 8 door go. I can't recall whether the screen door 9 would have exactly opened.</p> <p>10 Q. I'm going to ask a different group 11 of questions then. Okay?</p> <p>12 So, Del Gaizo testified earlier 13 this morning that when you got to the scene, 14 that you opened the screen door and held it 15 open.</p> <p>16 Do you remember if that's true?</p> <p>17 A. I cannot recall.</p> <p>18 Q. And then Del Gaizo testified that 19 while you were holding screen door open, that he 20 used the ram alone and breached the door alone 21 by himself?</p> <p>22 MR. BRADFORD: Objection to form.</p> <p>23 You can answer.</p> <p>24 BY MR. ZEIGER:</p>

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<p>1 Q. Is that what happened?</p> <p>2 A. I -- I would say that I probably assisted him with the ram tool in breaching the door.</p> <p>5 Q. Okay. So -- so, he's mistaken probably?</p> <p>7 MR. BRADFORD: Objection to form.</p> <p>8 THE WITNESS: I could -- I couldn't say -- say if -- if he would have been or not. I'm not sure that he -- if you're telling me he testified to that, then I would say that -- that I -- I did assist him with breaching the door.</p> <p>14 MR. BRADFORD: You did or did not?</p> <p>15 THE WITNESS: I did.</p> <p>16 MR. BRADFORD: Okay. Trooper, your main memory controls here. So, he's going to try to -- you know, he's giving you information maybe to help revive your memory further, but if that doesn't do it, your memory controls. Just answer the question based on your knowledge. You don't have to agree with something that you don't agree with.</p> <p>24 BY MR. ZEIGER:</p>	<p>1 warrant."</p> <p>2 Is that true?</p> <p>3 A. Yes.</p> <p>4 Q. And do you know in the order of troopers, do you know where you were to get into the property, beginning, middle, end? Do you have an estimate?</p> <p>8 A. I would have been in the beginning.</p> <p>10 Q. Okay. So, one of the first ones in?</p> <p>12 A. Yes.</p> <p>13 Q. Where was the ram when you went in?</p> <p>15 A. I don't recall.</p> <p>16 Q. Where was the Halligan bar?</p> <p>17 A. I don't recall that either.</p> <p>18 Q. Where was the sledgehammer?</p> <p>19 A. I don't recall.</p> <p>20 Q. And -- okay. "And I proceeded into a bedroom located in the one/four corner of the first floor and addressed a male located in the bed."</p> <p>24 What is one/four mean?</p>
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<p>1 Q. And let me give you an instruction as well, because I don't do the instructions at the beginning of my depositions, because I think it's a waste of everyone's time. I'm going to do that now.</p> <p>6 I agree completely with your lawyer. If you don't recall, you shouldn't guess. If I ask you to estimate and you can't estimate, you should say I can't estimate.</p> <p>10 We're here today to discover what happened. Your lawyer and I were not there. We don't know what actually happened. There are no trick questions.</p> <p>14 A. Right.</p> <p>15 Q. I am simply here for the purpose of getting something down on the record for you to be able to explain your version of what happened so I can discover what really occurred.</p> <p>19 Do you understand that?</p> <p>20 A. Yes. Yes, sir.</p> <p>21 Q. Okay. Very good.</p> <p>22 All right. Moving on.</p> <p>23 "Once inside the residence, I began repeatedly announcing State Police search</p>	<p>1 A. That's the location of the residence where that bedroom would have been located. So, looking at the house, if -- if the walls were numbered starting with the front wall as one, going in clockwise motion two, three, four, that bedroom would have been in that front one/four corner of the residence.</p> <p>8 Q. And first floor -- how many floors were there?</p> <p>10 A. Two.</p> <p>11 Q. And is the first floor the top floor or the bottom floor?</p> <p>13 A. It's the main floor.</p> <p>14 Q. Okay. Is the other floor above it or below it?</p> <p>16 A. Second floor would be above it.</p> <p>17 MR. BRADFORD: Okay. Can I jump in here real quick? Are you sure you weren't on the upper floor?</p> <p>20 THE WITNESS: I don't recall. We went in the front door and that's the floor that that bedroom was on.</p> <p>23 MR. BRADFORD: Okay.</p> <p>24 BY MR. ZEIGER:</p>

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1 Q. All right. So, you don't recall 2 whether the first floor is the upper or lower 3 floor, I guess, is your answer, right? 4 A. Correct. 5 Q. Okay. "And addressed a male 6 located in the bed." 7 What does that mean? 8 A. It means as soon as I entered the 9 bedroom, the male was in the bed and then I went 10 to his location. 11 Q. Anyone else in the room? 12 A. It was the female also in the bed 13 and Trooper Del Gaizo. 14 Q. And the two people that were in 15 the bed, what were they wearing? 16 A. I don't recall. 17 Q. Were they under the covers or over 18 the covers? 19 A. Under the covers. 20 Q. Were they asleep? 21 A. I don't recall. 22 Q. Did they appear to be asleep? 23 A. Yes. 24 Q. And what did you see Del Gaizo do	1 What, if any, interaction did you 2 have with that male while you were addressing 3 him? 4 A. Minimal. I went to his location 5 in the bed. We -- we secured him as quickly as 6 we could and then we located him to the floor 7 area. 8 Q. I -- if you're going to say "we," 9 I'd like to know exactly what you did and 10 exactly what Del Gaizo did. So, can you repeat 11 your answer, but please don't say "we"? I 12 struggle with pronounce greatly. 13 A. Yeah, sure. 14 I approached the male. I 15 attempted to get his arms from him from 16 underneath the covers, so I could visualize his 17 arms. And I assist -- I put his arms behind his 18 back at that time so I could assist with 19 applying flex cuffs to him before I -- 20 Q. Please finish. I'm sorry. I 21 apologize. 22 A. That was all on the bed before I 23 located him to the floor. 24 Q. So, he was flex cuffed before he
Page 30	Page 32
1 when you entered the room? 2 A. Del Gaizo addressed the female in 3 the same manner that I addressed the male. 4 Q. I know I may have asked you this 5 three questions ago, but the word addressed is 6 boggling to me. I'm having a hard time with 7 that. 8 Can you tell me what the word 9 addressed means? 10 A. He approached her and he went to 11 her location. He rendered the necessary means 12 of securing her and rendering the occupants of 13 the room and the room safe. I think that's all 14 addressed. 15 Q. How did he secure her? 16 A. I can't recall. 17 Q. And you addressed the male. Did 18 you secure him? 19 A. Yes, sir. 20 Q. Okay. What, if any, interaction 21 did you have with him before you -- you -- you 22 put -- I'm going to withdraw that and I'm going 23 to rephrase that. I can't I'll never get the 24 words out.	1 was put to the floor? 2 A. Yes. 3 Q. Okay. I think I understand now. 4 And where -- where is Del Gaizo 5 while you're putting the flex cuffs on him while 6 he's still in bed? 7 A. Del Gaizo with me. He's in the -- 8 in the vicinity of me as well. 9 Q. Okay. So, that male must have 10 been on his stomach, right? 11 A. Yes, at one point. 12 Q. Well, I mean, at the part -- at 13 the time you flex cuffed him in the bed, he 14 would have had to be on his stomach, correct? 15 A. Correct. 16 Q. Okay. So, when you came in the 17 room, was he on his stomach or did you flip him 18 over onto his stomach? 19 A. I don't recall. 20 Q. All right. Let's move on here 21 with the document. 22 "The male was secured and Trooper 23 Del Gaizo assisted with applying flex cuffs." 24 Is that true?

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1 A. Yes.	1 A. No, not in particularly.
2 Q. "The male was then moved to the	2 Q. You understand that if you have
3 floor where he was patted down for officer	3 someone cuffed in some way, whether it's flex
4 safety."	4 cuffs or handcuffs, and you lift them up by the
5 Is that correct?	5 back of their wrist and move their wrist towards
6 A. Yes.	6 like the 12:00 upward motion, that someone could
7 Q. Did you find anything on him?	7 become severely injured, right?
8 A. No.	8 A. Yes.
9 Q. Okay. Did you see a gun in the	9 Q. So, if you did that, that would
10 room anywhere?	10 violate some policy of the Pennsylvania State
11 A. Yes.	11 Police, correct?
12 Q. Where was the gun?	12 A. Yes.
13 A. The gun was located on the	13 Q. Okay. And in this case, your
14 headboard of the bed.	14 claim is you did not do that to that male,
15 Q. Did you see him go for the gun at	15 right?
16 all at any point in time?	16 A. Correct.
17 A. No.	17 Q. Okay. And you didn't see Del
18 Q. He wasn't arrested for anything	18 Gaizo do that, did you?
19 related to that gun, was he?	19 A. No, I did not.
20 A. I couldn't say.	20 Q. "The male was then assisted off
21 Q. Why not?	21 the floor and placed on a chair."
22 A. Because it's not on us to -- to	22 Where was the chair from?
23 say whether or not they're charged with any sort	23 A. The chair was from the bedroom.
24 of crimes or if they are or not, in fact,	24 Q. Okay. And who placed them on the
Page 34	Page 36
1 charged with crimes. It's just our job to go in	1 chair?
2 and secure the residence and the occupants at	2 A. I did.
3 that time.	3 Q. Without Del Gaizo?
4 Q. Are you aware -- did you have the	4 A. I can't recall.
5 male charged with anything else?	5 Q. And how did you get him into the
6 A. I couldn't say.	6 chair?
7 Q. That's fair. Okay.	7 A. We rolled him onto his side and
8 And the male was then moved to the	8 assisted him up.
9 floor where he was patted down for officer	9 Q. Because he was on his stomach
10 safety. I know I repeated that already.	10 before that?
11 How was he moved from the bed to	11 A. Yes.
12 the floor?	12 Q. So, went from being on his stomach
13 A. We would have just carried him	13 to -- on the bed to his stomach on the ground?
14 from the bed right onto the form.	14 A. Yes.
15 Q. What part of your body touched	15 Q. And then you lift -- and then --
16 what part of his body?	16 and then you rolled him to the side and then
17 A. My hands would have been around	17 helped him up to get into the chair?
18 his arms.	18 A. Yes, sir.
19 Q. Okay. You didn't like lift up his	19 Q. Then it says "I remained with the
20 wrist by where the flex cuffs were in order to	20 male until released by investigators."
21 get him off out of the bed, did you?	21 What does that mean?
22 A. No.	22 A. That means that I would have
23 Q. Because you're trained not to do	23 remain -- I did remain in the room until the
24 that, right?	24 investigating officers or -- or people assisting

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1 with the investigation came and took custody of 2 the -- of the individuals in the room. 3 Q. "In this room, there was the 4 pistol located on the headboard of the bed." 5 That's consistent with your 6 previous testimony, correct? 7 A. Yes. 8 Q. "The residents and all occupants 9 encountered by other team members were 10 subsequently released into the custody of the 11 investigators." 12 That's consistent with your 13 previous testimony, correct? 14 A. Yes, correct. 15 Q. "I attended the after action 16 debriefing at PSB Belfast." 17 Can you explain what that means? 18 A. After each activation, we -- we 19 conduct a debrief. It's to speak about the 20 outcome of the execution of the warrant service 21 on our end. 22 Q. Okay. I'm going to scroll down 23 "The team was dismissed at approximately 24 0730 hours."	1 Can you rectify that in any way? 2 MR. BRADFORD: Objection to form. 3 THE WITNESS: No, I'm not. 4 BY MR. ZEIGER: 5 Q. So, your statement that you wrote 6 here in Wysocky-1 that we just went over on your 7 screen, you maintain that's what happened when 8 you went into the room? 9 A. Yes, sir. 10 Q. There's no mistakes at all in 11 this? 12 A. No, sir. 13 Q. There's no omissions from it? 14 A. No, sir. 15 MR. BRADFORD: Object to form. 16 BY MR. ZEIGER: 17 Q. So, if Del Gaizo had a different 18 set of facts as far as who touched the male, 19 he's wrong? 20 MR. BRADFORD: Objection to form. 21 THE WITNESS: I couldn't say, sir. 22 BY MR. ZEIGER: 23 Q. Well, either you're wrong or he's 24 wrong.
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1 That means at 7:30 in the morning 2 the job was over? 3 A. Yes, sir. 4 Q. Okay. So, did you ever come to 5 learn what the woman's name was in the room? 6 A. No, I didn't. 7 Q. If I told you her name was Renee, 8 would that refresh your recollection? 9 A. It could be. 10 Q. Why do you say that? 11 A. I do recall the intelligence brief 12 that there was a female by the name of Renee. 13 Q. Okay. And if I told you that the 14 gentleman's name -- well, do you know the 15 gentleman's name in the room? 16 A. I don't, no. 17 Q. If I told you his name was Joseph 18 or Joe, would that refresh your recollection? 19 A. No. 20 Q. Okay. So, previously, Del Gaizo 21 testified that he only touched the woman in the 22 room and he did not touch the male in the room. 23 And here, in your statement, you say that you 24 and Del Gaizo both touched the male.	1 MR. BRADFORD: Trooper, are you 2 sure that Del Gaizo touched the male? 3 THE WITNESS: I couldn't say. 4 BY MR. ZEIGER: 5 Q. So, now you're not sure? 6 A. I know for sure that I -- that I 7 touched the male. 8 Q. All right. I'm going to go back 9 to this document again. I just want to -- I 10 want to get everything on the record and give 11 you a full and fair opportunity to speak about 12 what happened. 13 I'm not the most technologically 14 savvy guy, but I'm going to try and use some 15 technology here. 16 You see that underline I just put 17 on there? 18 A. Yes, sir. 19 Q. It says "The male was secured by 20 Trooper Del Gaizo assisted with applying flex 21 cuffs." 22 That's what it says, right? 23 A. Yes. 24 Q. And this is your statement, right?

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1 A. Yes, it is.	1 are important here.
2 Q. Okay. So, did -- did Del Gaizo	2 BY MR. ZEIGER:
3 help you in applying the flex cuffs to the male,	3 Q. I agree with your lawyer.
4 yes or no?	4 Is that right?
5 A. Yes.	5 A. Yes.
6 Q. Okay. So, before when your lawyer	6 Q. All right. Now, when you did
7 asked a question in the middle of this and you	7 these, did you answer all these or did you just
8 said you weren't sure, you are sure now that Del	8 give the -- or did your lawyer do it for you?
9 Gaizo did help you apply the flex cuffs, right?	9 A. I answered them.
10 A. Yes.	10 Q. Okay. And then your lawyer typed
11 Q. Okay. And so, if Del Gaizo said	11 them up?
12 that he never touched the male before, your	12 A. Yes.
13 testimony today is that Del Gaizo's mistaken; is	13 Q. Okay. And by the way, before we
14 that correct?	14 get into this, on that previous document that I
15 MR. BRADFORD: Objection to form.	15 showed you, Wysocky-1, are there any other
16 THE WITNESS: Yes.	16 mistakes on that document other -- other than
17 BY MR. ZEIGER:	17 that -- that one thing I -- I highlighted?
18 Q. That's a yes?	18 A. No.
19 A. Yes.	19 Q. Are there any omissions, anything
20 Q. All right. I'm going to go to a	20 you left out in there that you wish you had put
21 different document.	21 in?
22 Can you see that on your screen?	22 A. No.
23 A. Yes, sir.	23 Q. Okay. I'm going back up to the
24 Q. And you see that sticker, says	24 top here on this one, just bear with me for a
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1 "Plaintiff's Exhibit Wysocky-2"?	1 minute.
2 A. Yes, sir.	2 I'm going to go to Number 6. Do
3 Q. Okay. I'm going to scroll up	3 you see that?
4 here.	4 A. Yes.
5 It says Defendant's Response to	5 Q. Do you want me to blow it up?
6 Plaintiff's Interrogatories. Do you see that?	6 A. Could you, please?
7 A. Yes.	7 Q. Yeah, absolutely.
8 Q. All right. I'm going to go all	8 Did that blow it up?
9 the way to the end.	9 A. No -- that's -- I don't know if
10 Second to last page, it says	10 that's -- oh, there we go. Thank you.
11 "Verification."	11 Q. You're welcome.
12 Do you see that?	12 Okay. Do you see Number 6?
13 A. Yes, sir.	13 A. Yes.
14 Q. And that's your signature in your	14 Q. I've got to enlarge my screen to
15 own handwriting on that document, right?	15 be able to read it now. Okay.
16 A. Yes, it is.	16 Can you still see it?
17 Q. Okay. And this means that you	17 A. Yes, sir.
18 verified that the answers and responses that	18 Q. Okay. I'm going to read this
19 were contained in this document were true and	19 aloud.
20 accurate to the best of your ability; is that	20 "As explained in his callout
21 right?	21 report, responding party located a white male
22 MR. BRADFORD: The facts -- the	22 and white female he found together in the front
23 factual information.	23 bedroom on the upper floor of the house and that
24 MR. ZEIGER: Right, the facts that	24 he was involved in securing both individuals.

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<p>1 The woman was too young to be female 2 plaintiff. Responding party is currently 3 without knowledge or information sufficient to 4 form a belief as to whether the male is one of 5 the plaintiffs given the limited description of 6 the plaintiffs provided in the Complaint.</p> <p>7 "Upon information and belief, this 8 individual did not have any injuries or require 9 any medical treatment. All individuals were to 10 be secured as part of the process of securing 11 the premises pursuant to the warrant, which is 12 what happened."</p> <p>13 Do you remember giving that answer 14 to your lawyer?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. I'm going to make a 17 statement now. The male in the bed was a 18 gentleman named Joe Kluska or Joseph Kluska. 19 He's one of the named plaintiffs in this case 20 and he is accusing you of injuring his 21 shoulders, both of them. Okay?</p> <p>22 MR. BRADFORD: I'm objecting to 23 that. It's a statement, not a question.</p> <p>24 MR. ZEIGER: Yes, it's a</p>	<p>1 THE WITNESS: I'm sorry. 2 MR. BRADFORD: You can answer. 3 THE WITNESS: I would say it was a 4 possibility that his shoulder may -- may have 5 been injured; however, back to my original 6 statement, it wasn't done intentionally or 7 recklessly or negligently.</p> <p>8 BY MR. ZEIGER:</p> <p>9 Q. So, the answer is, you may have 10 injured his shoulder, you're just not sure?</p> <p>11 A. Right.</p> <p>12 Q. Okay.</p> <p>13 A. There was nothing said that day of 14 -- there was no mention of it.</p> <p>15 Q. I'm just trying to understand, 16 though, did you see anyone else touch that guy 17 that day other than you or Del Gaizo?</p> <p>18 A. No.</p> <p>19 Q. Okay. So, if he claims that 20 there's some trooper that injured his shoulder, 21 whether it's -- whether it's actually injured or 22 not, though, there's no other troopers that had 23 any physical contact with him that you're aware 24 of, correct?</p>
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<p>1 statement.</p> <p>2 BY MR. ZEIGER:</p> <p>3 Q. Okay. The question is, based on 4 that statement, do you have any knowledge about 5 injuring the man's shoulder who you flex cuffed 6 while laying on his stomach in bed that morning?</p> <p>7 A. No, I don't.</p> <p>8 Q. Did you get anyone any medical 9 care for any kind of shoulder injury in that 10 room?</p> <p>11 A. No, I didn't.</p> <p>12 Q. Did that male ask you for any help 13 or any medical attention regarding his 14 shoulders --</p> <p>15 A. No.</p> <p>16 Q. -- regarding how you flex tied 17 him?</p> <p>18 A. No, he didn't.</p> <p>19 Q. Okay. And -- and if he -- he were 20 to say that you did injure his shoulders based 21 on your actions in the room that day, what's 22 your response to that?</p> <p>23 MR. BRADFORD: Objection.</p> <p>24 You can answer.</p>	<p>1 A. Correct.</p> <p>2 Q. I'm going to keep going here.</p> <p>3 Did you have a body cam on?</p> <p>4 A. No.</p> <p>5 Q. Do you know why not?</p> <p>6 A. We don't have body cam -- cameras 7 in the Pennsylvania State Police.</p> <p>8 Q. Have you ever complained to your 9 supervisor that you want one?</p> <p>10 A. No.</p> <p>11 Q. Are you a member of a union?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever filed a grievance 14 with your union that you want a body cam?</p> <p>15 A. No.</p> <p>16 Q. Why not?</p> <p>17 MR. BRADFORD: Objection to form.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: Because -- because I 20 don't believe that -- that we need them right 21 now. If they would give us one, then I would 22 wear it, I'd be more than happy to wear it; 23 however, I -- I was never faced with a situation 24 where I would be dishonest or use excessive</p>

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<p style="text-align: right;">Page 49</p> <p>1 force or anything of that nature that I would 2 need to -- to cover myself in -- in a case of an 3 instance that -- that I would do something 4 wrong.</p> <p>5 BY MR. ZEIGER:</p> <p>6 Q. I mean, Trooper, in the most 7 respectful way I can possibly frame this next 8 question, in this case, you are being accused of 9 using excessive force against Joe Kluska. You 10 understand that, right?</p> <p>11 A. Yes.</p> <p>12 Q. So, you have been accused of using 13 excessive forces before in your line of duty, 14 specifically this case that we're here for, 15 right? You get that?</p> <p>16 A. Yes.</p> <p>17 Q. So, do you -- let me ask the 18 question again about the -- about the body cam. 19 So, why have you never requested 20 to wear a body cam or file grievance with your 21 union to wear a body cam?</p> <p>22 MR. BRADFORD: Objection to form. 23 You can answer. 24 THE WITNESS: Because we -- we</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. You can answer if you want. 2 MR. BRADFORD: No, he's not 3 answering that question.</p> <p>4 BY MR. ZEIGER:</p> <p>5 Q. Moving on.</p> <p>6 Okay. In Number 13 here, it says 7 "Describe in detail your tactical approach for 8 securing the property." It says "Responding 9 party's exact role as specified in his callout 10 report and the warrant service plan. Document's 11 in plaintiff's possession for months. Was set 12 by CERT leadership. Upon information and 13 belief, the search warrant specifically included 14 three structures; the residence, a nearby garage 15 and a trailer. Responding party does not recall 16 any other structures that were not secured."</p> <p>17 Is that true?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall any information at 20 all that in the house that there was any illegal 21 activity occurring?</p> <p>22 A. I don't recall.</p> <p>23 Q. Okay. So, do you know that the 24 garage is the location where -- where apparently</p>
<p style="text-align: right;">Page 50</p> <p>1 don't have -- I mean, we have -- on -- on the 2 road, there's MVRs, there's things -- different 3 other recording systems that we have. 4 You know, CERT -- CERT is a 5 part-time entity for me. It's -- we're not full 6 time. On the road -- on the road, we're covered 7 by -- by other means of -- of recording systems, 8 but as far as MVRs or microphones.</p> <p>9 BY MR. ZEIGER:</p> <p>10 Q. Can you promise me that today 11 after this deposition's over, that you're going 12 to go to your union and file a grievance, and in 13 the grievance, say you want a body cam for the 14 future in your job as a Pennsylvania State 15 Trooper? Can you give me that promise today?</p> <p>16 MR. BRADFORD: Objection. 17 BY MR. ZEIGER:</p> <p>18 Q. Can you --</p> <p>19 MR. BRADFORD: Objection to the 20 question.</p> <p>21 Do not answer that.</p> <p>22 This is ridiculous. Come on, 23 Brian.</p> <p>24 BY MR. ZEIGER:</p>	<p style="text-align: right;">Page 52</p> <p>1 there was illegal activity occurring? 2 A. I don't recall. 3 Q. Okay. Moving on. 4 Number 14 has to do with whether 5 or not any methamphetamine was recovered by the 6 CERT team. And your response was "Responding 7 party did not discover any suspected 8 methamphetamine while securing the party. 9 Responding party does not know what each of the 10 other CERT members discovered."</p> <p>11 A. That --</p> <p>12 Q. That means you did not recover any 13 methamphetamine, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And did you observe anyone commit 16 any crime, that if it was your job, you would 17 have made an arrest for?</p> <p>18 A. I did not observe anything.</p> <p>19 Q. I'm going to keep going down. 20 Next question on that here is 21 Number 16, and this is about a firearm's arrest. 22 So, you said there was a firearm 23 on the headboard, correct?</p> <p>24 A. Yes, sir.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. If this was your job and you were 2 the -- the trooper making the decision, you 3 would not have arrested the male or female in 4 the room for anything related to the firearm; is 5 that correct?</p> <p>6 A. I couldn't say.</p> <p>7 Q. Why not?</p> <p>8 A. Because I'm unaware of any 9 additional investigatory information besides us 10 going in to secure the -- the property and the 11 occupants.</p> <p>12 Q. Correct.</p> <p>13 So, the answer to my question then 14 is no, you didn't have any information or 15 observe anything at that time that would lead 16 you to make an arrest for anything related to 17 that firearm based on what you did that day, 18 right?</p> <p>19 A. Correct, correct.</p> <p>20 Q. Okay. I'm going to unshare this 21 document and I am going to go to another one. 22 Do you see that sticker Wysocky-3?</p> <p>23 A. Yes, sir.</p> <p>24 Q. I'm going to scroll up. This is a</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. And I'm going to just scroll down 2 here. The first one is April the 4th of 2012. 3 It says "Allegation vehicle code driving vehicle 4 at safe speed regulation review."</p> <p>5 Do you remember that matter?</p> <p>6 A. Yes.</p> <p>7 Q. So, you know, it's -- as a 8 nonmember of law enforcement, it's a little hard 9 for me understand it. It says you were driving 10 the vehicle at a safe speed.</p> <p>11 So, that would not seem like what 12 that's -- it would seem like that's what we're 13 all supposed to do, is drive at a safe speed.</p> <p>14 So, can you explain what that -- what happened?</p> <p>15 A. That was someone on the interstate 16 just made a complaint to Harrisburg that my 17 vehicle may have been speeding. And by the 18 looks at it, I got supervisor resolution, which 19 means that my supervisor spoke to me about it 20 and went over the regulation with me.</p> <p>21 Q. So, the allegation was that you 22 were, in fact, not driving a vehicle at a safe 23 speed; is that right?</p> <p>24 A. Yes, it's not driving a vehicle at</p>
<p style="text-align: right;">Page 54</p> <p>1 document titled at the top. It says "Concise 2 Officer History, Corporal Matthew Wysocky." 3 Is that you, Matthew Wysocky?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And have you ever seen this 6 document before, Concise Officer History?</p> <p>7 A. No, sir.</p> <p>8 Could you blow that up a little 9 bit for me, please?</p> <p>10 Q. Yes, absolutely.</p> <p>11 A. I'm sorry.</p> <p>12 Q. No. I wish I was a little better 13 at the technology.</p> <p>14 Is that better or no?</p> <p>15 A. Yes, that's fine. That's fine.</p> <p>16 Q. Have you ever seen this document 17 before?</p> <p>18 A. No, sir.</p> <p>19 Q. I'm going to go through the 20 document with you now. It's not that long, 21 three pages.</p> <p>22 It said you were hired on May 9th 23 of 2011. Do you see that?</p> <p>24 A. Yes, sir.</p>	<p style="text-align: right;">Page 56</p> <p>1 a safe speed, but -- it says it the way it is, 2 it's driving the vehicle at safe speed --</p> <p>3 Q. Police officers make words out of 4 things that don't make sense sometimes.</p> <p>5 Okay. I'm going to scroll down.</p> <p>6 The next is July 25, 2018. It's a 7 use of force matter. It says "Effective, not 8 effective; verbal commands not effective; 9 physical constraint, effective; service being 10 conducted, arresting."</p> <p>11 And there's -- there's actually 12 another one just -- just below it that -- 13 it's -- it's from the same matter, I believe.</p> <p>14 Because that one says duplicate. And this one 15 says "Allegation: Use of force. Force used to 16 overcome resistance justified. October 1st, 17 2014."</p> <p>18 Do you remember that matter?</p> <p>19 A. No, I don't.</p> <p>20 Q. Okay. But that says justified, so 21 there was no finding against you, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. I'm going to scroll down. This says "January 26, 2015,</p>

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<p>1 Charges: Use of force; Legal Intervention, 2 1-25-15, justified; vehicle pursuit 1-25-15, 3 justified."</p> <p>4 Do you remember that -- that 5 incident?</p> <p>6 A. I don't.</p> <p>7 Q. Okay. I'm going to scroll down. 8 "Use of force, May 12, 2017; use 9 of force, effective, noneffective; Taser, 10 effective; service being conducted, 302 11 commitment, disposition finding EIP entry."</p> <p>12 Do you remember that one?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. Do you remember Tasing 15 someone in a 302?</p> <p>16 A. I do remember Tasing a female 17 once. I -- I would have -- I would have to 18 assume it may be for what -- in relation to 19 this.</p> <p>20 Q. Okay.</p> <p>21 Next one. Use of force, 22 September 13, 2017, CERT-CHEM deployment; 23 Effective."</p> <p>24 Let's go to the next page to make</p>	<p>1 Do you remember that one? 2 A. No, sir. 3 Q. Okay. The next, January the 9th, 4 2018 allegation, "Dissatisfied with service 5 provided. Counselled."</p> <p>6 Do you remember that one? 7 A. No, I don't. 8 Q. Did a supervisor in January -- 9 around January 24th of 2018 from the 10 Pennsylvania State Police talked to you about 11 the way you talk to citizens?</p> <p>12 MR. BRADFORD: Objection to form. 13 You can answer. 14 THE WITNESS: Yes, I believe that 15 was a private complaint through Harrisburg. 16 BY MR. ZEIGER: 17 Q. Do you know what the complaint was 18 about? 19 A. Me wanting to tow vehicle from 20 private property. 21 Q. Why did you want to tow the 22 vehicle? 23 A. Because it was obstruction of the 24 roadway.</p>
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<p>1 sure there's nothing else here. 2 Seems like the same one again. 3 CERT-CHEM deployment, not effective; service 4 being conducted, 302 commitment." 5 So, is it -- is a CERT-CHEM 6 deployment meaning you're using mace or pepper 7 spray or some other kind of spray, is that what 8 that means?</p> <p>9 A. Yes, sir. That just means we're 10 deploying some sort of chemical agent into the 11 residence in order to effect a peaceful 12 resolution.</p> <p>13 Q. Okay.</p> <p>14 In this case, it says "It is not 15 effective," meaning it did not work.</p> <p>16 Do you remember that incident? 17 Did you use some kind of spray in a 302 18 incident?</p> <p>19 MR. BRADFORD: Objection to form. 20 THE WITNESS: I don't recall. 21 BY MR. ZEIGER: 22 Q. Scrolling down. 23 "October 25, 2017, CERT-CHEM 24 deployment, effective."</p>	<p>1 Q. Did you have it towed? 2 A. No. 3 Q. Okay. Moving on. 4 "February 16th of 2018, CERT 5 chemical deployment, not effective" -- 6 MR. ZEIGER: Sorry. We're on to 7 two now. 8 BY MR. ZEIGER: 9 Q. "Service being conducted, 10 arresting; disposition finding information 11 only." 12 Do you remember that job? 13 A. No, sir. 14 Q. Okay. And there's no -- the next 15 one here is January 11, 2019, but before we get 16 that far, I note that the case that we're here 17 for happened on February 23rd, 2018. And I note 18 there's no entry here; is that correct? 19 A. Yes, sir. 20 Q. And so, that means that you did 21 not self-report the use of any force in this 22 case, correct? 23 A. Correct, sir. 24 Q. Do you have a duty to self-report</p>

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1 when you use force?	1 Thank you.
2 MR. BRADFORD: Objection to form.	2 MR. ZEIGER: Which document,
3 You can answer.	3 Kevin?
4 THE WITNESS: Yes, sir, any -- any	4 MR. BRADFORD: I'll pull it up and
5 sort of less -- less lethal force, yes.	5 then you tell me which one it is.
6 BY MR. ZEIGER:	6 MR. ZEIGER: Okay.
7 Q. Okay. And scrolling down in this	7 MR. BRADFORD: That's not it.
8 case, you're -- you're claiming you did not use	8 MR. ZEIGER: That's Wysocky-1.
9 any force, right?	9 MR. BRADFORD: Okay. You got it.
10 A. Correct, sir.	10 Wysock-1.
11 Q. Okay. "January 11, 2019, use of	11 BY MR. BRADFORD:
12 force, CHEM deployment, effective; service being	12 Q. And, Trooper, I want to go back to
13 -- service conducted, arresting for information	13 that -- that one sentence that you were asked
14 only."	14 several times about and I -- I highlighted it
15 Do you see that?	15 instead of underlining it.
16 A. Yes, sir.	16 First of all, can you see that?
17 Q. Okay. And the next one	17 Do you need that bigger?
18 "December 30, 2019, CERT-CHEM deployment,	18 A. Can you just -- yes, could you
19 effective; service being conducted, arresting,	19 just zoom in?
20 disposition, information only."	20 Thank you, perfect.
21 Do you see that?	21 Q. And this is -- this is your
22 A. Yes, sir.	22 callout report, right?
23 Q. That -- you don't remember either	23 A. Yes, it is.
24 of those two, do you?	24 Q. I want to direct your attention to
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1 A. No, I don't recall.	1 the one sentence, "The male was secured and
2 Q. All right. So, on this, you agree	2 Trooper Del Gaizo assisted with applying flex
3 that the number it says total is 12; is that	3 cuffs."
4 right?	4 Now, first of all, do you have an
5 A. Yes.	5 independent recollection of exactly what you did
6 Q. All right. Is there anything else	6 in that room that day?
7 that -- about this incident that occurred when	7 A. No.
8 you executed this warrant that you haven't told	8 Q. Is it fair to say your memory is
9 us?	9 really just based off what you wrote in this
10 A. No, sir.	10 report?
11 MR. ZEIGER: I have no further	11 A. Yes.
12 questions.	12 MR. ZEIGER: Can you hold on for
13 MR. BRADFORD: I have a couple	13 one second, Kevin? Hold on. Pardon me.
14 questions, Trooper.	14 - - -
15 - - -	15 (Whereupon, a discussion was held
16 EXAMINATION	16 off the record at this time.)
17 - - -	17 - - -
18 BY MR. BRADFORD:	18 MR. ZEIGER: Sorry. I -- I had a
19 Q. I'm going to pull up --	19 COVID-19 security related issue at my office.
20 MR. BRADFORD: What was it called	20 Go ahead. Sorry about that.
21 the report, Brian? Was it Exhibit 1?	21 MR. BRADFORD: Quickly resolved.
22 MR. ZEIGER: I'm going -- I'm	22 BY MR. BRADFORD:
23 going to unshare that.	23 Q. Okay. And you -- and you told
24 MR. BRADFORD: First of all, yes.	24 Mr. Zeiger that Del Gaizo assisted in applying

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1 flex cuffs to the male based on the sentence in 2 your callout report? 3 A. Correct. 4 Q. Now, I read this sentence. It 5 says "The male was secured and Trooper Del Gaizo 6 assisted with applying flex cuffs." 7 It doesn't say applying flex cuffs 8 to who. Is it possible you were referring to 9 the female? 10 A. Yes. 11 Q. So, is it fair to say that you 12 don't know if Trooper Del Gaizo assisted in 13 applying flex cuffs to the male? 14 A. I'm sorry, what was that? Is it 15 fair to say? 16 Q. Is it fair to say that you are not 17 -- as you sit here today, and even after reading 18 this report, and now, reconsidering what's in 19 this report based on what I just told you, that 20 you're not sure if Trooper Del Gaizo assisted in 21 applying flex cuffs to the male? 22 A. Yeah. Yes. He assisted with 23 applying flex cuffs to all occupants of the 24 room.	1 were supposed to be in there, but you 2 didn't know -- you had no idea where they would 3 actually be located? 4 A. Correct. 5 MR. BRADFORD: Okay. I'm done, 6 Brian. 7 - - - 8 EXAMINATION 9 - - - 10 BY MR. ZEIGER: 11 Q. Trooper, I mean, your testimony 12 today is -- is that Del Gaiz -- Del Gaizo helped 13 with you the male, right? 14 A. Yes. 15 Q. Okay. Whether -- and that 16 includes securing him, right? 17 A. Whether he helped me with securing 18 or assisting the male or is there some -- some 19 way or shape or manner, he -- he assisted me in 20 the room with securing the individuals. I -- I 21 don't recall to -- to what extent. 22 Q. Okay. That includes securing him 23 in the bed, flex cuffing them in the bed, taking 24 him to the floor and then sitting him up in the
1 Q. Right. And that's what we're 2 trying to establish. And that's where we got 3 hung up a little bit, is in this report, it says 4 "Trooper Del Gaizo assisted with applying flex 5 cuffs." It didn't say to whom. 6 So, if he said I only applied flex 7 cuffs to the female, would that be -- does that 8 make sense to you based on this report? 9 A. Yes. 10 Q. Okay. 11 MR. BRADFORD: Brian, do you want 12 to explore this further, you know, we can do 13 that after I'm done here. 14 And that's actually -- 15 BY MR. BRADFORD: 16 Q. What was the -- what was the 17 lighting in the room when -- when you entered 18 the room? 19 A. I don't recall. 20 Q. Is it fair to say you didn't -- 21 you didn't know the layout of the house at all 22 when you entered the house? 23 A. Yes. 24 Q. So, you only knew the people that	1 chair, all four of those things, you're not sure 2 which, but you believe that Del Gaizo helped you 3 with some or all of those four, correct? 4 A. Yes. 5 MR. BRADFORD: You're using 6 pronouns. You mean they for both of them? 7 You're talking about both people. 8 THE WITNESS: They, the male and 9 female were secured. 10 MR. ZEIGER: Kevin, I'm confused. 11 I didn't say that. 12 MR. BRADFORD: Yes, you did. You 13 said you assisted them. You said them. 14 MR. ZEIGER: I'm going -- 15 I'm going -- I'm going to re -- re -- rephrase 16 all this. Okay. 17 BY MR. ZEIGER: 18 Q. Trooper, I'm only talking about 19 the male in the bed. Okay. 20 In regard to the male that was in 21 the bed, I'm going to call him Joe Kluska. 22 Okay? 23 A. Yes. 24 Q. In regard to Joe Kluska, just to

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<p style="text-align: right;">Page 69</p> <p>1 be clear, your testimony is, in regard to 2 securing Joe Kluska in the bed, in regard to 3 putting the flex cuffs in Joe Kluska in the bed, 4 in regard to moving Joe Kluska onto the floor 5 and in regard sitting up Joe Kluska in a chair, 6 it's your belief that Officer -- that Trooper 7 Del Gaizo helped you do some or all of those 8 four things regarding Joe Kluska, correct? 9 A. Yes. 10 MR. ZEIGER: Thank you. I have 11 nothing further. 12 - - - 13 EXAMINATION 14 - - - 15 BY MR. BRADFORD: 16 Q. And you base that information off 17 this single sentence in your call report, 18 correct? 19 A. Yes. Yes. 20 Q. And again, you don't independently 21 recall Trooper Del Gaizo making physical contact 22 at all with Joe Kluska? 23 A. That's correct, yes. 24 Q. And would you agree with me that</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. And you would agree that the time 2 that you wrote this, this incident was fresher 3 in your mind and your memory than it is today, 4 correct? 5 A. Correct. 6 Q. And this is your report and you 7 authored it, right? 8 A. Yes. 9 Q. You were the typist, right? 10 A. Yes. 11 Q. And you had full and fair 12 opportunity to read it and proofread it and add 13 anything else in that you wanted at that time, 14 right? 15 A. Yes, sir. 16 Q. And I asked you today if there 17 were any mistakes or omissions in this report 18 and you said no to both of those, correct? 19 A. Correct. 20 MR. ZEIGER: I have nothing 21 further. 22 MR. BRADFORD: Okay. I'm done 23 with it. 24 MR. ZEIGER: All right.</p>
<p style="text-align: right;">Page 70</p> <p>1 this sentence in your -- in your callout report 2 could be interpreted in a fashion that Trooper 3 Del Gaizo assisted in applying flex cuffs only 4 to the female? 5 A. Yes. 6 Q. So, the bottom line is, you're not 7 sure if Trooper Del Gaizo, as you sit here 8 today, lay a hand on Joe Kluska while you were 9 in that room? 10 A. That's correct. 11 MR. BRADFORD: Okay. Thank you. 12 - - - 13 EXAMINATION 14 - - - 15 BY MR. ZEIGER: 16 Q. Would you agree with me, Trooper, 17 that you authored this report about -- within 18 four days of when this incident occurred, 19 correct -- five days? 20 A. I did, yes. 21 Q. And you would agree that now, 22 we're about two-and-a-half years later, after 23 this happened, right? 24 A. Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 Officer -- stay safe, Trooper. 2 VIDEO TECHNICIAN: Are you 3 ready -- 4 THE WITNESS: Thank you, sir. 5 VIDEO TECHNICIAN: Before he 6 leaves the room, are we ready to do the 7 conclusion of his deposition? 8 MR. ZEIGER: Yes. 9 VIDEO TECHNICIAN: Okay. One 10 moment, please. 11 All right, everyone. This 12 concludes the videoconference deposition of 13 Trooper Wysocky. We ask that all participants 14 handle their transcript and video orders later. 15 We are going off the video record 16 on October 1, 2020 at 12:18 p.m. 17 MR. ZEIGER: I need PDF of the 18 minuscip and I need the video in the cheapest 19 format. 20 (Witness excused.) 21 (Deposition concluded at 12:18 22 p.m.) 23 24</p>

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1 CERTIFICATE

2

3 I HEREBY CERTIFY that the witness
4 was duly sworn by me and that the deposition is
5 a true record of the testimony given by the
6 witness.

7

8 *Torre Lynn Adams*

9

10 Torre Lynn Adams,
Court Reporter and Notary Public
Dated: October 15, 2020

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19 under the direct control and/or supervision of
20 the certifying reporter.)

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1 LAWYER'S NOTES

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